

ENTERED

February 06, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SHALAETHA PRESTON-CAVER
AND QUINTON CAVER,

Plaintiffs,

V.

**PRESTIGE DEFAULT
SERVICES, LLC, *et al.*,**

Defendants.

CIVIL ACTION NO. 4:24-cv-4850

**ORDER STRIKING PLAINTIFFS' MOTION AND ORDER TO
CONFER**

Pending before the Court is Plaintiffs Shalaetha Preston-Caver and Quinton Caver's (collectively, "Plaintiffs") Motion to Compel Discovery and Leave of Court to Amend Complaint. (ECF No. 14).

According to United States District Judge Charles Eskridge's Court Procedures, a motion on discovery disputes must be acquired through an initiating letter. Judge Eskridge's Court Procedures § 15(c). Judge Eskridge's Court Procedures provide:

Initiating letter required. Don't bring a motion on discovery and scheduling disputes without permission. To obtain permission, the party seeking relief must submit a letter not exceeding approximately two single-spaced pages. Identify the nature of the dispute, outline the issues, and state the contested relief sought. Specify the conference between lead counsel and summarize the results.

Id. Here, Plaintiffs did not obtain permission to file a motion on discovery in compliance with Judge Eskridge's Court procedures. As such, the Court strikes Plaintiffs' Motion to Compel Discovery (ECF No. 14) and orders the Parties to confer regarding the discovery dispute in accordance with Judge Eskridge's Court Procedures.

Further, Plaintiffs seek leave to amend their Complaint "to fit any and all new Evidence presented during the Discovery Process." (ECF No. 14 at 2). Plaintiffs' Motion for Leave of Court to Amend Complaint is premature and is struck subject to Plaintiffs re-urging their motion. *See e.g., Stevens v. St. Tammany Parish Gov't*, No. 20-928, 2020 WL 13601378 at *1 (E.D. La. Sept. 1, 2020) (striking Plaintiff's motion for leave to amend as premature for other reasons). The proper procedure is to engage in the discovery process and re-urge the request for leave to amend the complaint when there is a basis to do so. As such, the Court strikes Plaintiffs' Motion for Leave of Court to Amend Complaint. (ECF No. 14).

It is **SO ORDERED**.

SIGNED in Houston, Texas on February 6, 2025.

A handwritten signature in black ink, appearing to read "Richard W. Bennett", written over a horizontal line.

Richard W. Bennett
United States Magistrate Judge